

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action dated May 17, 2006. Claims 1-24 are pending in the present application. Claims 1-24 have been rejected. Claims 1, 9, 16, and 22 have been amended to address 35 U.S.C. §101 rejections. Support for the amendments to the claims is found throughout the specification, and in particular, on page 15, lines 13-19. Applicant respectfully submits that no new matter has been presented. Claim 24 has been canceled. Accordingly, claims 1-23 remain pending. For the reasons set forth more fully below, Applicant respectfully submits that the claims as presented are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

Allowable Subject Matter

Applicant notes with appreciation that claims 21 and 23 are allowed. As described below, claims 1, 9, and 16 have been amended to place them in condition for allowance.

Applicants would like to thank the Examiner for the phone interview of June 28, 2006. We appreciate the courtesy and helpfulness of the Examiner in the interview. The claims have been amended in light of the interview.

Claim Rejections - 35 U.S.C. §112

The Examiner has stated:

The following is a quotation of the second paragraph of 35 U.S.C. 112:
Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

Claim 24 recites the limitation "extra piece of information", which renders the claim vague and indefinite, because it is unclear as to what "extra piece of information" is or signifies in the claims.

In response, claim 24 has been canceled.

Claim Rejections - 35 U.S.C. §101

The Examiner has stated:

Claims 1-20, 22 and 24 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 9, 16 and 24 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 15, lines 14-17, the medium is not limited to tangible embodiments, instead being defined as including intangible embodiments (e.g., fluid transmission; signals). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. An appropriate correction is required.

Claim 22 is rejected under 35 U.S.C. 101 because it discloses a computer readable medium as "a modulated electrical signal, a modulated optical signal". As such, the claim is not limited to statutory subject matter and is therefore non-statutory. An appropriate correction is required.

In response, the phrases "communications signals" and "computer readable signal" has been deleted from the specification, in particular at page 15, lines 14-19. In the rejection, the Examiner had mentioned the phrase "fluid transmission." However, Applicant interprets this reference as merely an example, because the phrase "fluid transmission" does not appear in the specification.

Furthermore, the phrase "in a computer system" has been added to the preambles of claims 1, 9, and 16. Furthermore, phrase "a modulated electrical signal, a modulated optical signal" has been deleted from claim 22. Applicant respectfully submits that the claims as amended are now directed to statutory subject matter. Dependent claims 2-15, 17-20, and 22 depend from independent claims 1, 9, 16, and 21 respectively, and are thus allowable for at least the same reasons as claims 1, 9, 16, and 21.

Conclusion

In view of the foregoing, Applicant submits that claims 1-23 are patentable over the cited references. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

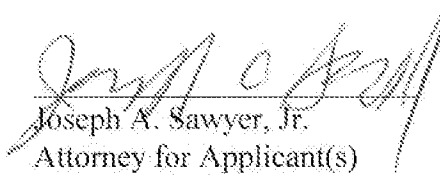
Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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June 29, 2006

Date


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